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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,737	01/10/2005	Bernd Heitele	FMW-CR-PCT-US (B1870US)	9753
28862 7590 04/21/2008 HUDAK, SHUNK & FARINE, CO., L.P.A. 2020 FRONT STREET SUITE 307 CUYAHOGA FALLS, OH 44221				
EXAMINER SAVAGE, MATTHEW O				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
04/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/520,737

**Applicant(s)**

HEITELE, BERND

**Examiner**

Matthew O. Savage

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8, 9, 11, 12, 14-18, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 13, and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10, 13, 19, and 20 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1,106,578 A to Malsy et al.

With respect to claim 1, as best understood, Malsy et al discloses a filter device (see FIG. 4) for purification and at least partial dealcalization of raw water including: a raw water inlet 15 and a pure water outlet 12 (see FIG. 3), a filter line 26 having one flow channel segment 26 and a first filtration segment 59, and a blending line 25 having an adjustable distribution valve 27 and a second filtration segment 57, the filter line 26 and blending line 25 being connected to the raw water inlet 15 by a separation device 27 and the filter line A and blending line B being connected to a pure water outlet by a connection device 19, both filtration segments being arranged in an inner container 30", the filter device having flow characteristics as functionally recited in the claim since the filter has the same structure as recited in the claim.

Concerning claims 2-5, 21, and 22, the filter device disclosed by Malsy et al is capable of functioning as recited the claims since it has the same structure as recited in the instant claims.

Regarding claim 10, Malsy et al disclose a first filter chamber 59 (see FIG. 4)) in which a second filter chamber 57 is arranged, each filter chamber being connected with

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a partial flow flowing in from above and below, a common collection chamber (e.g., connected to the lower end of flow tube 61).

As to claim 13, Malsy et al disclose both filter chambers 59, 57 as extending up from the collection chamber with the first filter chamber 59 surrounding the second filter chamber in annular form.

Regarding claim 19, as best understood, Malsy et al disclose the first filter chamber as being filled with an ion exchanger resin.

Concerning claim 20, as best understood, Malsy et al disclose the second filter chamber 57 as being filled with activated carbon.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malsy et al in view of Reid.

As best understood, Malsy et al fail to specify a filter block having a porosity of .1-100 micron. Reid discloses that activated carbon filter blocks having a pore size within the recited range and teaches that such a filter is effective in removing contaminants including volatile organic contaminants, chemicals, parasites, sediment,

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biocide, and killed microorganisms and pathogens (see lines 59-63 of col. 3). It would have been obvious to have modified the device disclosed by Malsy et al so as to have included a filter block as suggested by Reid in order to provide a filter capable of removing contaminants including including volatile organic contaminants, chemicals, parasites, sediment, biocide, and killed microorganisms and pathogens from the water.

Applicant's arguments filed 1-28-08 have been fully considered but they are not persuasive.

Applicant argues that claims 6, 12, and 14 are readable on the elected species, species 1 shown in FIG. 7. This is not persuasive since the elected species does not include granular filter material (claim 6), does not have filter material in the collection chamber 57 or pure water outlet 5 (claim 12), and does not include an annular drainage plate 71 (claim 14).

Applicant's argument that EP '578 to Malsy cannot be used against the instant application is not understood since the reference was published over a year prior to applicant's foreign priority date. Accordingly, the reference qualifies as prior art under 35 U.S.C. 102(b).

Applicant argues that Malsy cannot anticipate claim 1 since the reference fails to disclose the recited flow conditions, however, the rejection is maintained since the apparatus of Malsy includes an adjustable valve for controlling the flow through the blending line 8 and is therefor capable of functioning as recited in the claim.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew O Savage/  
Primary Examiner  
Art Unit 1797

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